

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

SANDRA GOODSITE,	)	CASE NO. 16-cv-02486
	)	
Plaintiff,	)	JUDGE JEFFREY J. HELMICK
	)	
v.	)	
	)	
BOARD OF EDUCATION OF THE	)	<b><u>PLAINTIFF'S OPPOSITION TO</u></b>
NORWALK CITY SCHOOL DISTRICT,	)	<b><u>DEFENDANT'S MOTION TO STRIKE</u></b>
	)	
Defendant.	)	
	)	

Plaintiff, Sandra Goodsite ("Plaintiff"), hereby respectfully opposes the June 12, 2018 Motion to Strike filed by Defendant, the Board of Education of the Norwalk City School District ("Defendant"). Defendant seeks to strike the Renewed Motion for Oral Argument (the "Oral Argument Motion") filed by Plaintiff. In the Oral Argument Motion, Plaintiff illustrated the apparent need for oral argument through selected issues that exemplify how Defendant's Reply in support of its Motion for Summary Judgment had invited error through a mischaracterization, distortion, or simply incorrect presentation of the law and facts of this case. Plaintiff assures the Court that, if a written response to the Reply Brief was required by rule or otherwise, a more comprehensive disassembly of Defendant's Reply arguments could have easily been provided.

Despite the Oral Argument Motion's exposure of several glaring concerns regarding the Reply (e.g., showing how Defendant's own legal authority directly contradicts Defendant's position), Defendant's only response to the Oral Argument Motion is that Plaintiff did not have leave to file it. This objection is misplaced; Loc.R. 7.2(b) permits this Court to consider oral argument and there is no specific mechanism for requesting this consideration for a particular case. Thus, Defendant is without grounds to seek an Order striking the Oral Argument Motion.

Respectfully submitted,

/s/ John E. Moran

Ann-Marie Ahern (#0070020)

*ama@mccarthylebit.com*

John E. Moran (#0087272)

*jem@mccarthylebit.com*

McCARTHY, LEBIT, CRYSTAL  
& LIFFMAN CO., L.P.A.

101 West Prospect Avenue

1800 Midland Building

Cleveland, Ohio 44115

(216) 696-1422 (telephone)

(216) 696-1210 (facsimile)

Attorneys for Plaintiff

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Opposition to Defendant's Motion to Strike has been filed electronically this 13<sup>th</sup> day of June, 2018. Notice of this filing will be sent to all parties through the Court's electronic filing system. Parties not receiving such service will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ John E. Moran

John E. Moran (#0087272)

One of the Attorneys for Plaintiff